THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No.5533 of 2006

ORDER:

The case of the petitioner is that he is in long standing possession of the premises bearing No.51-7-40, situated at Rajendernagar, Ward No.29, Rajahmundry Municipal Corporation, Rjahmundry, East Godavari District and has been paying the municipal tax regularly to the respondent-corporation from 1983 onwards.

It is stated that the portion of the said property is sought to be taken away for the purpose of road widening.

I am not inclined to express any opinion whether the petitioner is the owner of the property or she is only encroaching the Government land. However, the petitioner being the interested party and having long standing possession of the property is entitled to notice before she is disposed from the property.

Having regard to the facts and circumstances of the case, the respondent is directed not to dispossess the petitioner from the property without following due procedure prescribed under law either under Section 146 or 147 of the Municipal Corporation Act.

Accordingly, the Writ Petition is disposed of at the stage of admission.

21st March, 2006.

Note: Operative Portion by Wire at party's cost.

(B/O)

mrb